

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

Elise Ashby (Arrington),	)	Case No.: 7:20-cv-03662-BHH-JDA
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>OPINION &amp; ORDER</b>
Arthur Cooksey, AFC3 Holdings, LLC,	)	
	)	
Defendants.	)	
	)	

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This matter is before the Court with the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin (“Report and Recommendation”), made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.<sup>1</sup> Elise Ashby (“Ashby” or “Plaintiff”), proceeding *pro se*, seeks damages based on allegations of slander and libel.

Defendants filed three motions to strike filings by Plaintiff and a motion to dismiss by AFC3 Holdings, LLC (“AFC3”). (DE 25, 26, 39, 40.) Plaintiff filed responses in opposition to the motions. (DE 34, 37, 43, 44.) The Report and Recommendation was issued on March 11, 2011, recommending that the motions to strike Plaintiff’s replies (DE 25, 39) be granted, AFC3’s motion to dismiss (DE 26) be denied, and AFC3’s motion to strike Plaintiff’s response to the motion to dismiss (DE 40) be denied. (DE 48.)

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<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Defendants filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon review, of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference.

It is, therefore, **ORDERED** that the motions to strike Plaintiff’s replies (DE 25, 39) are granted, AFC3's motion to dismiss (DE 26) is denied, and AFC3's motion to strike Plaintiff’s response to the motion to dismiss (DE 40) is denied.

**IT IS SO ORDERED.**

  
Joseph Dawson, III  
United States District Judge

April 14, 2021  
Greenville, South Carolina

#### **NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that she has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.